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MEMO ENDORSED

March 10, 2023

BY ECF

Hon. Lewis A. Kaplan

Hon. Jennifer H. Rearden

United States District Court, Southern District of New York

<p>USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>5-25-2023</u></p>	<p>*Not for service</p>
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Re: *Britvec, et al. v. City of New York, et al.*, 21-cv-10759 (JHR)
Casablanca-Torres v. City of New York, et al., 21-cv-10832 (LAK)

Your Honors:

I am co-counsel for Plaintiffs in these cases, which have been consolidated for discovery and discovery-related pretrial proceedings. Plaintiffs seek an order compelling Defendants to comply with their discovery obligations by providing overdue initial disclosures and timely discovery responses as well as by scheduling depositions, directing Defendants to meet and confer with Plaintiffs' counsel about confidentiality and unsealing orders, and providing for such other and further relief as the Court deems just and proper. Counsel for the parties met and conferred about these disputes on March 9, 2023 and we were not able to resolve them.

By way of background, the six *Britvec* and *Casablanca-Torres* Plaintiffs were injured and arrested on June 3, 2020 by New York City Police Department ("NYPD") members while attending the same Black Lives Matter demonstration near Gracie Mansion in Manhattan. Both Complaints name a number of high-level New York City and NYPD officials, who are also named as Defendants in the Consolidated Actions. In both the *Britvec* and *Casablanca-Torres* cases, one Defendant – NYPD Officer Ryan Costello – was assigned to process the arrests of the named Plaintiffs, and he is a main "line officer" in common in both cases, who processed their arrests and eventually swore out charges against them.

Although Mr. Casablanca's beating and arrest were caught on video, despite having taken diligent steps to learn the identities of the NYPD members involved who are named as John Does 1-3 in the First Amended Complaint (*Casablanca-Torres* ECF 32), Mr. Casablanca has not been able to identify them. Additionally, upon information and belief, John Doe 1 identified in the *Britvec* Complaint is the same person as *Casablanca-Torres* Doe 1. Like Mr. Casablanca, Mr. Britvec has also taken diligent steps to learn his identity, to no avail. For example, in, 2021 and 2022, Both Mr. Britvec and Mr. Casablanca participated in apparently extensive – but ultimately unsuccessful - investigations that were conducted by the Office of the District Attorney of New York County ("DANY"), the NYPD's Internal Affairs Bureau ("IAB"), and/or the City's Civilian Complaint Review Board ("CCRB").

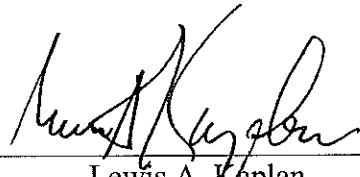
Memorandum Endorsement

Casablanca-Torres v. City Of New York, 21-cv-10832 (LAK)

Motion denied as moot in view of the Court's opinion dated April 4, 2023 (Dkt 71).

SO ORDERED.

Dated: May 25, 2023

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", is written over a horizontal line.

Lewis A. Kaplan
United States District Judge